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4 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
5 AT TACOMA

6 DARYL ROGERS,

7 Petitioner,

8 v.

9 JEFFREY A UTTECHT,

10 Respondent.

Case No. C19-5501-RBL-TLF

ORDER ADOPTING REPORT AND  
RECOMMENDATION

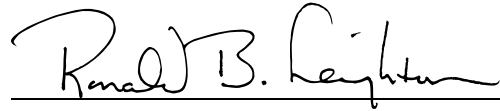
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12 THIS MATTER is before the Court on Magistrate Judge Fricke's Report and  
13 Recommendation [Dkt. #12], recommending that the Court deny petitioner's federal *habeas*  
14 *corpus* petition without prejudice, and Petitioner's Objection to the Report and Recommendation  
15 [Dkt. #13]:

- 16 (1) The Magistrate Judge's report and recommendation is approved and ADOPTED;  
17 (2) Petitioner's federal habeas corpus petition [Dkt. #6] is DISMISSED without  
18 prejudice for failure to exhaust state court remedies;  
19 (3) A certificate of appealability is DENIED;  
20 (4) Petitioner's "Motion to Request Court Rule on Petition" [Dkt. 10] and "Motion to  
21 Compel Discovery of Information" [Dkt. 8] are DENIED as moot; and  
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1 (5) The Clerk is directed to close this case and to send copies of this Order to  
2 petitioner, to Magistrate Judge Theresa L. Fricke and to any other party that has  
3 appeared in this action.

4 IT IS SO ORDERED.

5 Dated this 1st day of August, 2019.

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9 Ronald B. Leighton  
10 United States District Judge  
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